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EXAMINER
GARCIA, GABRIEL I

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte SHELL SIMPSON,
WARD SCOTT FOSTER and KRIS R. LIVINGSTON

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Appeal 2009-001207
Application 10/053,174
Technology Center 2600

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Decided: April 30, 2010

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Before ROBERT E. NAPPI, KENNETH W. HAIRSTON

and MARC S. HOFF, *Administrative Patent Judges.*

HAIRSTON, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134 from a final rejection of
claims 1, 3 to 8, and 10 to 28. We have jurisdiction under 35 U.S.C. § 6(b).

We will sustain the 35 U.S.C. § 102(a) rejection of claims 1, 3 to 8,
and 10 to 28.

Appellants have invented a method and system for using a network-accessible booklet making service to create a user interface on a client device so that the client can select imaging data for use in making a booklet (Figs. 1-6; Spec. 7, 11-14, 19, and 21; Abstract).

Claim 1 is illustrative of the claims on appeal, and it reads as follows:

1. A method comprising:

receiving, via at least one network service, imaging data that is to be included in a booklet;

prior to receiving said imaging data, causing, via at least one network service, a user interface to be presented on a client device, the user interface being configured to enable a user to select imaging data for use in making a booklet, and wherein said receiving imaging data comprises receiving user selection of said imaging data;

receiving, via said at least one network service, user input for incorporating the imaging data into the booklet;

building, via said at least one network service, a booklet incorporating imaging data in accordance with said user input; and

printing the booklet on a network-accessible printer designated by user input.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Tonkin   WO 01/031465 A1   May 3, 2001

The Examiner rejected claims 1, 3 to 8, and 10 to 28 under 35 U.S.C. § 102(a) based upon the teachings of Tonkin.

Appellants argue throughout the Brief that Tonkin neither discloses nor suggests presenting via at least one network/Web service a user interface on a client device/browser prior to receiving imaging data used in making a booklet, and printing the booklet on a network/Web-accessible printer designated by user input (Br. 9-25).

ISSUE

Did the Examiner err by finding that Tonkin describes presenting via at least one network/Web service a user interface on a client device/browser prior to receiving imaging data used in making a booklet, and printing the booklet on a network/Web-accessible printer designated by user input?

FINDINGS OF FACT (FF)

(1) Tonkin describes a document production facility 60 that serves as an interface between client terminals 31, 32 and document production locations 71-73 to coordinate printing and assembly of documents (Fig. 1; pg. 6, ll. 28-31; pg. 10, ll. 14-16).

(2) A graphical user interface for the client terminals 31, 32 is presented by a printer driver portion of the document production facility 60 so that a user can select images for a booklet from images transmitted to a client terminal 31, 32 via the Internet 50 or the Web (Figs. 4, and 7-9; pg. 7, ll. 14, 15; pg. 11, ll. 1-4; pg. 13, ll. 13-17; pg. 15, ll. 1-9 and 24-28; pg. 16, ll. 6-12, 16-18, and 22-31; pg. 17, ll. 1-5).

(3) The user of a client terminal 31, 32 has the option of printing the booklet on a network/Web-accessible printer designated by the user (Figs. 5, 6; pg. 4, ll. 12-15; pg. 13, ll. 5-7; pg. 19, ll. 1-13 and 23-25).

PRINCIPLE OF LAW

Anticipation is established when the applied reference discloses expressly or under the principles of inherency each and every limitation of the claimed invention. *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1347 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79 (Fed. Cir. 1994).

ANALYSIS

Appellants' arguments throughout the Brief are not convincing of error in the Examiner's position because Tonkin describes a method and system for presenting a user interface at a client device so that the client can select image data from network/Web sources for assembly in a booklet (FF 1, 2). The booklet can be printed on a network/Web-accessible printer designated by user input (FF 3).

In summary, the anticipation rejection of claims 1, 3 to 8, and 10 to 28 is sustained because Tonkin describes all of the limitations of these claims. *See Atlas Powder Co.*, 190 F.3d at 1347; *Paulsen*, 30 F.3d at 1478-79.

CONCLUSION OF LAW

The Examiner did not err by finding that Tonkin describes presenting via at least one network/Web service a user interface on a client device/browser prior to receiving imaging data used in making a booklet,

and printing the booklet on a network/Web-accessible printer designated by user input.

ORDER

The decision of the Examiner rejecting claims 1, 3 to 8, and 10 to 28 under 35 U.S.C. § 102 (a) is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

<u>AFFIRMED</u>

KIS

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